

laws, and shall in no event be so construed as to reduce any benefit heretofore allowed or any benefit allowable under other provisions of existing laws; provided, however, that if the minimum service retirement benefit of any retired teacher with twenty-five (25) or more years of creditable service is less than the minimum prescribed in Section 2 of this Act, such benefits shall be increased from and after the end of the month in which this Act becomes effective to the minimum prescribed for equivalent service in Section 2 hereof. Section 1 of this Act shall apply to annuities becoming effective on and after the effective date of this Act.

Section 5. The crowded condition of the calendar, and the remedial importance of this legislation, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

Senator Aikin offered the following committee amendment to the bill:

Amend H. B. 9 by striking out all above the enacting clause and inserting in lieu thereof the following:

A bill to be entitled "An Act providing an elective method for calculating and determining the standard annuity allowable to members of the Teacher Retirement System of Texas, and prescribing an additional minimum service retirement benefit payable to teacher members and teacher beneficiaries; defining certain terms as used herein; providing that the rights granted under this Act shall be in addition to and cumulative of those provided for under Chapter 470, Acts of the Regular Session, 45th Legislature (as heretofore amended) and other prior and existing laws, and shall not be construed as reducing any benefit heretofore granted; and declaring an emergency."

The committee amendment was adopted.

Question—Shall H. B. No. 9 be passed to third reading?

#### House Bill 59 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent H. B. No. 59 was ordered not printed.

#### Welcome Resolutions

S. R. No. 251—By Senator Strong: Extending welcome to Judge F. C. Winfrey of Panola County.

S. R. No. 252—By Senator Kazen: Extending welcome to W. J. Nixon, superintendent of schools of Laredo and Vidal Trevino, principal of Laredo.

S. R. No. 255—By Senator Herring: Extending welcome to students and teachers of Travis Heights School of Austin.

S. R. No. 256—By Senator Krueger: Extending welcome to students, teacher and principal of Yorktown High School.

S. R. No. 257—By Senator Dies: Extending welcome to Johnnie McLeod of Jasper.

S. R. No. 258—By Senator Rogers: Extending welcome to Paul Spilman and Dan Kennard of Wellington.

S. R. No. 259—By Senator Hall: Extending welcome to Sheriff Frank Lane of Hunt County.

#### Adjournment

On motion of Senator Parkhouse the Senate at 12:05 o'clock p.m. adjourned until 10:00 a.m. tomorrow.

#### Record of Vote

Senator Patman asked to be recorded as voting "nay" on the motion to adjourn.

#### THIRTY-NINTH DAY

(Thursday, March 14, 1963)

The Senate met at 10:00 a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Creighton
Bates	Dies
Blanchard	Hall
Calhoun	Hardeman
Cole	Harrington
Colson	Hazlewood

Herring	Ratliff
Kazen	Reagan
Kennard	Richter
Krueger	Rogers
Moffett	Spears
Moore	Strong
Owen	Watson
Parkhouse	Word
Patman	

Absent—Excused

Crump                      Schwartz

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence

Senator Crump was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Bates.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 14, 1963.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 47, Requesting the Governor to return House Bill No. 233 to the House for correction.

S. B. No. 99, A bill to be entitled "An Act amending Chapter 125 of the 45th Legislature, 1937, (Compiled as Article 6243e, Vernon's Annotated Civil Statutes), by adding a new section numbered 10D, requiring any city of more than one hundred and eighty-five thousand (185,000) but less than one hundred and ninety-five thousand (195,000) inhabitants, according to the last preceding federal census, to contribute amounts into firemen's retirement and pension funds, providing the firemen with payment of the total amount they have individually con-

tributed into such fund upon termination of their employment and prior to receiving their twenty-year retirement certificate; providing an election by terminated firemen having received their twenty-year certificates to receive the total amount of their contribution or to continue making payments into such fund until reaching the age of fifty-five, and at such time he shall receive all pension benefits which have accrued; and declaring an emergency."

(With amendments.)

H. B. No. 86, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive and Legislative branches of the State Government, for the construction of State buildings, the payment of claims against the State, and for State aid to public junior colleges for the two-year period beginning September 1, 1963, and ending August 31, 1965; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### Senate Resolution 260

Senator Herring offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Mr. Draper Daniels of Lake Bluff, Illinois; and

Whereas, Mr. Daniels was appointed National Export Coordinator by President Kennedy on July 20, 1962, and is responsible for mobilizing the programs and facilities of the entire United States Government in order to increase the share of American business in international trade; and

Whereas, He has served in various vice-presidential capacities for Young and Rubicomb, an internationally renowned advertising agency; and

Whereas, He has won virtually every major national award available to a copy writer in every medium; and

Whereas, He is the honored guest and speaker of Austin's first Foreign Trade and Investment Seminar; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That Mr. Daniels' presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

The President appointed Senators Herring, Calhoun and Krueger to escort Mr. Daniels to the President's Rostrum.

The President presented Senator Herring and he introduced Mr. Daniels to the Members of the Senate.

Mr. Daniels addressed the Senate expressing appreciation for the pleasure of being in Texas and commended the business men of Texas for organizing the first Seminar for the Foreign Trade and Investment Program. He stated that with the people of Texas behind him he couldn't lose in his selling job of international trade.

#### Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,  
March 14, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 21, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Cole submitted the following reports:

Austin, Texas,  
March 14, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Education, to whom was referred S. B. No. 193, have the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Vice-Chairman.

Austin, Texas,  
March 14, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Edu-

cation, to whom was referred S. B. 342, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLE, Vice-Chairman.

Senator Dies submitted the following reports:

Austin, Texas,  
March 14, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 55, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Austin, Texas,  
March 14, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 264, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

DIES, Chairman.

C. S. H. B. No. 264 was read the first time.

Senator Blanchard submitted the following report:

Austin, Texas,  
March 14, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Labor and Management Relations, to which was referred S. B. No. 35, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

#### House Bill 55 Ordered Not Printed

On motion of Senator Owen and by unanimous consent H. B. No. 55 was ordered not printed.

(Senator Hardeman in the chair.)

**Senate Bill 425 on First Reading**

Senator Hazlewood moved that Senate Rule 114 and Section 5 of Article II of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

**Absent**

Kennard

**Absent—Excused**

Crump

Schwartz

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Hazlewood:

S. B. No. 425, A bill to be entitled "An Act amending Art. 5.06 of Section 1 of S. B. No. 236, Acts of the 52nd Legislature, Regular Session (1951), Ch. 491, p. 868 (Art. 5.06 of the Insurance Code) by providing for non-cancellable automobile insurance in certain instances; providing for severability; and declaring an emergency."

To the Committee on Insurance.

**Senate Resolution 263**

Senator Herring offered the following resolution:

Whereas, After 34 years of devoted duty to the State of Texas, Miss Doris Connerly has retired from her position as Director of the Legislative Reference Division Library in the State Capitol; and

Whereas, Miss Connerly holds a particularly warm place in the hearts

of legislators to whom she had been a good friend and the years, bringing to them a research service unobtainable at any other source; and

Whereas, The association which the Texas Senate has had with Miss Connerly has been one of complete respect and admiration for her ability, her sense of humor and her alert and at all times helpful attitude; and

Whereas, a sense of Texas history was evident in all of Miss Connerly's work, a trait she naturally inherited as the daughter and great granddaughter of men who also served the State of Texas in responsible positions; and

Whereas, Miss Connerly's many talents did not go unnoticed, she having been named in 1957 "Public Employee of the Year," and the citation which marked that occasion might well be repeated here as a summation of her entire career: "For devotion to your tasks and faithful performance of your responsibilities . . . for the high standards which have governed your public conduct . . . for the inspiration you have been to those you have worked with and served . . ."; and

Whereas, It is the desire of the Senate of the Fifty-Eighth Legislature of the State of Texas to express appreciation for her contribution to State government; now, therefore, be it

Resolved, That the members of the Senate of the Fifty-Eighth Legislature extend to Miss Connerly their appreciation and gratitude for her many years of devoted service and their very best wishes for her future happiness; and be it further

Resolved, That when the Senate adjourns this day it do so in recognition of her splendid record, and that an enrolled copy of this resolution be sent to Miss Doris Connerly as a small expression of the sentiments of the members of the Texas Senate.

HERRING  
OWEN  
HARDEMAN  
COLSON  
MOFFETT  
REAGAN

Signed—Preston Smith, Lieutenant Governor; Aikin, Bates, Blanchard, Calhoun, Cole, Creighton, Crump, Dies, Hall, Harrington, Hazlewood, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Richter, Rogers, Schwartz, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted.

#### Senate Concurrent Resolution 37

Senator Dies offered the following resolution:

S. C. R. No. 37, Expressing appreciation to the Congress and the President of the United States for the capital gains tax treatment of timber under the Internal Revenue Code and requesting retention of the same.

Whereas, The capital gains tax treatment of timber under the Internal Revenue Code has been an important factor responsible for the great improvement in the economic advancement of the commercial timber industry in Texas, as well as other timber producing states; and

Whereas, The forest resources of Texas form an important basis for the economic well-being of the State of Texas; and

Whereas, Texas forests now owned by some 120,000 timberland owners supply the raw material which furnishes employment for thousands of Texans; and

Whereas, The capital gains tax treatment under the Internal Revenue Code has contributed greatly toward the growth and economic stimulation of the timber and wood industries; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Congress and the President of the United States be expressed our appreciation for instituting and retaining this capital gains tax treatment of timber under the Internal Revenue Code and be requested to retain the same.

The resolution was read.

On motion of Senator Dies and by unanimous consent the resolution was considered immediately and was adopted.

(President in the Chair.)

#### House Concurrent Resolution 47 on Second Reading

The President laid before the Sen-

ate on its second reading the following resolution:

H. C. R. No. 47, Recalling H. B. No. 233 from the Governor's office for authorized certain corrections therein.

The resolution was read.

On motion of Senator Word and by unanimous consent the resolution was considered immediately and was adopted.

#### House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the committees indicated:

H. B. No. 1, To the Committee on Education.

H. B. No. 86, To the Committee on Finance.

H. C. R. No. 22, To the Committee on Constitutional Amendments.

#### Senate Bill 426 on First Reading

Senator Harrington moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

Absent—Excused

Crump                      Schwartz

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senators Harrington and Colson:  
S. B. No. 426, A bill to be entitled "An Act establishing and providing for a state school for mentally retarded persons, to be known as the "Southeast Texas State School"; regulating and providing for the operation of same; creating an independent school district; and declaring an emergency."

To the Committee on State Affairs.

(President Pro Tempore in Chair.)

#### Senate Bill 427 on First Reading

Senator Rogers moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

#### Absent—Excused

Crump	Schwartz
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The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Rogers:

S. B. No. 427, A bill to be entitled "An Act authorizing the Texas Water Commission and the Red River Authority of Texas to study a conservation project on the North Fork of the Red River in Texas and provide funds therefor; limiting the Texas Water Development Board's financial participation; and declaring an emergency."

To the Committee on Water and Conservation.

(Senator Reagan in the Chair.)

#### Resolution Signed

The Presiding Officer announced the signing of, by the President in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 47, recalling H. B. No. 233 from the Governor's office and authorizing certain corrections therein.

(President in the Chair.)

#### Senate Bill 99 with House Amendments

Senator Herring called S. B. No. 99 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read. Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Bill 428 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Spears:

S. B. No. 428, A bill to be entitled "An Act establishing, authorizing, and providing for the "County Industrial Training School District" located in any county in this state having a population of not less than six hundred thousand (600,000) nor more than nine hundred thousand (900,000) according to the last preceding federal census, so as to provide vocational training for residents and non-residents of such county; authorizing the election and terms in office of three (3) trustees, and authorizing them to appoint four (4) certain additional persons to serve with them on such governing board for a term of no longer than four (4) years; providing certain powers and duties of such board; authorizing the issuance of bonds and notes in the accomplishment of the district's purposes; authorizing such district to levy, assess, and collect taxes; providing that the district shall be operated

on its tax revenue, tuition, if any, gifts, donations, and endowments, and shall never become a charge against the state, or require appropriations therefrom; authorizing the abolishment of said district and the disposition of its affairs; providing a severability clause; and declaring an emergency."

To the Committee on Education.

#### Senate Bill 429 on First Reading

Senator Spears moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

#### Absent—Excused

Crump	Schwartz
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Spears:

S. B. No. 429, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to issue refunding bonds to effect a savings in interest; requiring that such refunding bonds shall be issued only in compliance with all requirements governing the issuance of original bonds as specified in Chapter 366, Senate Bill 402, of the Regular Session of the 45th Legislature, Acts 1937, page 740, as amended by Chapter 2, Senate Bill 326 of the Regular Session of the 46th Legislature, Acts 1939, page 487, the same being carried in Vernon's Revised Civil Stat-

utes of the State of Texas as Article 5890b; and declaring an emergency."

To the Committee on Jurisprudence.

#### Presentation of Guests

Senator Bates by unanimous consent presented "The Diamonds," a musical organization which had recently been named Honorary Texans to the Members of the Senate.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
March 14, 1963.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 11, A bill to be entitled "An Act relating to the advertising of the scenic, historical, natural, agricultural, educational, recreational and other attractions of Texas; providing for the creation of the Texas Tourist Development Agency and its Administrator, prescribing his duties and powers; repealing Chapter 431, Acts 56th Legislature, 1959; providing for severability and declaring an emergency."

H. B. No. 496, A bill to be entitled "An Act changing the name and function of the 'Legion Branch of the San Antonio State Tuberculosis Hospital' and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk House of Representatives.

#### Senate Bill 430 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Kennard:

S. B. No. 430, A bill to be entitled "An Act relating to and authorizing a minimum and maximum salary for the official shorthand reporters of the 17th, 48th, 67th, 96th and 153rd Judicial Districts and of Criminal District Court and Criminal District Court No. 2, Court of Domestic Relations, County Court at Law, County Criminal Court, County Criminal Court No. 1 and Courts of Record hereafter to be created in Tarrant County; providing the time, method

and manner of payment; repealing all laws or parts of laws in conflict, providing a saving clause, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### House Bill 9 on Second Reading

The President laid before the Senate as pending business H. B. No. 9 on its second reading and passage to third reading (the bill having been read the second time on yesterday).

Question—Shall H. B. No. 9 be passed to third reading?

Pending discussion by Senator Krueger of H. B. No. 9, the President Pro Tempore occupied the chair.

(Senator Reagan in the Chair.)

(President in the Chair.)

Question—Shall H. B. No. 9 be passed to third reading?

#### House Bills on First Reading

The following bills received from the House, were read the first time

and referred to the Committees indicated:

H. B. No. 11, To the Committee on State Affairs.

H. B. No. 496, To the Committee on Education.

#### Welcome Resolution

S. R. No. 264—By Senator Blanchard: Extending welcome to members of girls' basketball team, coach and superintendent of Sundown High School.

#### Memorial Resolution

S. R. No. 262—By Senator Herring: Memorial resolution for Miss Pearl A. Neas of Georgetown.

#### Adjournment

On motion of Senator Parkhouse the Senate at 12:35 o'clock p.m. adjourned until 10:30 a.m. on Monday, March 18, 1963.

#### Record of Vote

Senator Patman asked to be recorded as voting "nay" on the motion to adjourn.



**In Memory of**  
**Mayor Tom Miller**

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Senator Herring offered the following resolution:

(Senate Resolution 261)

Whereas, In the passing of the Honorable Tom Miller on the thirtieth day of April, 1962, the City of Austin and the State of Texas lost a devoted public servant, beloved citizen, and staunch Democrat; and

Whereas, He was a lifelong resident of Austin and a successful businessman conducting a large-scale produce business which extended throughout the Southwest and the East; and

Whereas, "Mayor Tom," as he was affectionately called by all who knew him, served Austin as Mayor for twenty-two years, and during his years of tenure Austin emerged from a small University town to a large city of consequence in the State's economic and cultural scheme; and

Whereas, His foresight led to the purchase of many acres of land in various parts of Austin which have now been developed for the benefit of an ever-growing city; and

Whereas, Mayor Miller leaves a record of public service and leadership seldom equaled in the history of Texas, and our many parks in Austin, the splendid auditorium, and other major accomplishments stand as a monument to his vision; and

Whereas, His service to the Democratic Party was as outstanding as his service to the City and he was a delegate to several national conventions and numbered many national figures among his close friends; and

Whereas, He is survived by his wife, the former Miss Nellie Miller, daughter of the late Mr. and Mrs. Wallace Miller; one daughter, Mrs. Joy Shelton; and a son, Tom Miller, Jr., and several grandchildren, all of Austin; and

Whereas, It is the desire of the Senate of the Fifty-Eighth Legislature of the State of Texas to pay tribute to this distinguished and beloved citizen; now, therefore, be it

Resolved, That the Senate extend to the family of Mayor Tom Miller sincere sympathy and direct the preparation of official copies of this resolution for the members of his family; and be it further

Resolved, That when the Senate adjourns today, it do so in memory of Mayor Tom Miller.

**HERRING  
PARKHOUSE**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Kazen, Kennard, Krueger, Moffett, Moore, Owen, Patman, Ratliff, Reagan, Rogers, Schwartz, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the senate.